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Fifty-second session

SUMMARY RECORD OF THE 40th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 April 1996, at 3 p.m.

Chairman:	Mr. VERGNE SABOIA	(Brazil)
later:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)

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The meeting was called to order at 3.15 p.m.

STATEMENT BY MR. DARIUSZ ROSATI, MINISTER FOR FOREIGN AFFAIRS OF POLAND

1. Mr. ROSATI (Poland) said that Poland's recent history and experience made it particularly sensitive to violations of human rights wherever they occurred. Mankind had made considerable progress in the field of human rights, but a large number of human beings were still deprived of their fundamental freedoms. It remained therefore a primordial task to monitor the human rights situation and search for remedies. In that connection, the Polish delegation welcomed the goodwill and spirit of cooperation which marked the work of the current session and had in particular facilitated an agreement on the resolution on the right to development, of which Poland was a sponsor.

2. Following the foundation of the United Nations and the other international organizations, respect for human rights had become a subject of international cooperation, whereas their abuse had become a source of confrontation. Apart from its strategic, political and economic dimensions, the East-West conflict had been a contest about the place of human rights and fundamental freedoms within the social order. One of the reasons for the failure of communism had been its underestimation of the value of human dignity and the inalienable rights of the human person. With the ending of the cold war, cooperation had prevailed over confrontation, and despite the remaining economic, political and cultural disparities the world now had a unique opportunity to make further progress in protecting and promoting universal human rights. In that area, the United Nations provided the best framework for dialogue and cooperation. Poland shared the view expressed on behalf of the European Union by the Minister for Foreign Affairs of Italy that, instead of further proliferation of human rights instruments, what was needed first and foremost was the effective implementation of the existing ones. There lay the real challenge. The international treaty bodies and the United Nations organs and agencies must be in a position to ensure the satisfactory observance of the universal standards. But it was Governments which bore the primary responsibility for ensuring respect for those rights.

3. Member States should dedicate themselves to securing universal accession to the International Bill of Human Rights, and with a minimum number of reservations. They should also show their determination to improve the fulfilment of their obligations under the treaties to which they were parties. They should assist the monitoring bodies to discharge their duties more effectively and should support an ambitious programme of technical assistance and advisory services for countries lacking the necessary resources, for the new States and for the many countries in transition or in post-conflict situations. That was why the United Nations human rights programme must be equipped with adequate budgetary, organizational and human resources. However, in view of the scarcity of resources, it appeared essential to give serious consideration to the cooperation between the United Nations and regional organizations and to the concept of subsidiarity, which had found an excellent application in the former Yugoslavia.

4. The tragic experience of the former Yugoslavia, Rwanda, Somalia and Chechnya, to mention only a few, confirmed the urgent need to strengthen the United Nations capacity for prevention and rapid reaction. That was part of the mandate of the High Commissioner for Human Rights, but in that field as in others nothing could be done in the absence of political support, cooperation

and material contributions from Member States. Prevention called for a more far-sighted approach: accession to and implementation of universal instruments; monitoring and fact-finding by special-rapporteur missions; and assurance that the perpetrators of human rights violations would not enjoy impunity.

5. There were still important lacunas in the international protection of human rights, particularly with respect to the various forms of non-international armed conflicts, as the Secretary-General had emphasized. It was not a question of establishing new standards, but of determining which of the universal humanitarian standards were applicable to that type of situation. As the Polish delegation had proposed at the Vienna Conference, it would be wise to draft guidelines to assist the United Nations in its efforts to deal with extraordinary emergency situations - an agenda for human rights. He wished to reiterate the Polish proposal for the establishment of a separate General Assembly committee on human rights and humanitarian affairs. In the longer term, moreover, the machinery for the international protection of human rights could be strengthened by the establishment of a human rights council which, as a principal organ of the Organization, would have greater authority than the Commission on Human Rights enjoyed today.

6. The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights offered an opportunity to review five decades of progress, and also of failures, in the promotion and protection of those rights and to disseminate more widely the universal message of the Declaration. Recognition of the diversity of historical, cultural or religious traditions ought to strengthen the determination of Member States to defend, in a spirit of tolerance and solidarity, the human dignity and the inalienable rights of all human beings. Against that background, the Polish delegation was submitting a draft resolution on the initiation of a comprehensive programme of preparations for the fiftieth anniversary embracing all the relevant actors and elements of the United Nations system. It stood ready to cooperate with the States represented in the Commission to produce a consensus text.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1996/8, 42, 43, 44, 45 and Add.1, 46, 47, 48 and Add.1, 49, 50 and Add.1, 51, 52 and Add.1 and 2, 53 and Add.1 and Corr.1 and Add.2, 105, 109, 116, 117, 137, 148, 156; E/CN.4/NGO/4, 10, 20, 28, 31, 34, 37, 43, 47, 51, 56, 64, 75; A/50/332 and 685; A/CONF.177/20; E/CN.4/1995/48; E/CN.6/1996/11)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1996/11, 14 and Add.1, 15, 89, 90, 92, 93 and Add.1, 94, 111, 118 and Add.1, 136 and 138; E/CN.4/1996/NGO/38)

7. Mr. CHASSOT (Observer for Switzerland) welcomed the progress which had made possible the Fourth World Conference on Women, in particular the affirmation that the rights of women formed part of human rights. The reaffirmation of the universality of those rights and the recognition of the right of women freely to control their lives in the areas of sexual relations and family planning as a fundamental right constituted important successes. Among the achievements of the Conference particular attention should be drawn to the inclusion in the final document of a chapter on violence against women, which condemned, inter alia, the practices of sterilization or forced abortion, murder of newborn girls, and the prenatal selection of a child's sex.

8. One of the recommendations of the Special Rapporteur on violence against women concerned the ratification of the Convention on the Elimination of All Forms of Discrimination against Women. On 23 August 1995, the Swiss Government had proposed to the Federal Parliament that it should ratify that Convention, which it had signed in 1987.

9. The Swiss delegation was concerned about the expansion in recent years of the problem of internally displaced persons and it commended the excellent work done by the Representative of the Secretary-General by way of data collection and legal analysis. In his report, the Representative envisaged the drafting of a new legal instrument dealing exclusively with issues of displaced persons. In the view of the Swiss delegation, the existing rules contained in international human rights law and international humanitarian law already provided sufficient protection. The Commission also had before it a proposal for the drafting of a declaration on minimum humanitarian standards which would offer an opportunity to reaffirm and consolidate the existing arrangements for dealing with internal troubles or tensions. The elaboration of a new mandatory legal instrument might weaken the existing system of protection by making it more complicated and by giving the impression that it was the rules which were deficient when very often it was only the will to apply them. The strict and sincere application of the existing rules would be a more appropriate means of filling the gaps than the adoption of a new legal instrument.

10. Ms. MAIWAND OLUMI (Observer for Afghanistan) said that extreme poverty and hunger and natural disasters were the two main causes of mass exoduses, both within a country and across frontiers, which had grown alarmingly in recent years.

11. Poverty and hunger were not created naturally, but resulted from conflicts, systematic violations of human rights or massacres which compelled people to seek refuge elsewhere. Between 1978 and 1992, Afghanistan had been the scene of massacres and extreme violations of human rights. The essentially agricultural population could no longer cultivate the land owing to anti-personnel mines and it had thus been deprived of its main source of income; poverty and hunger had smitten the country and caused internal displacements and mass exoduses. Today the mines still posed an enormous safety problem.

12. External interference in the form of blockades or economic sieges also caused famine and thus displacement and exodus, which were further exacerbated by natural disasters such as the earthquake in January 1996 which had led to the displacement of 500 families in Faryab province.

13. The problems faced by Afghanistan at present were a direct legacy of the atrocities committed by extremist groups and by the Red Army of the former USSR. Following the change of regime in 1992, more than 3 million people had returned to Afghanistan. Unfortunately, the extremist policies pursued by other countries were impeding further improvement in the situation and the return of displaced persons and refugees; such policies even caused fresh waves of mass exodus. The Afghan delegation therefore requested the international community to prevent and condemn any external interference in Afghanistan's internal affairs.

14. Ms. CARRILLO (United Nations Development Fund for Women) said that the United Nations Development Fund for Women (UNIFEM) welcomed the action taken in collaboration with the United Nations bodies dealing specifically with the rights of women - the Committee on the Elimination of Discrimination against Women, the Special Rapporteur on the question of violence against women, the Centre for Human Rights, and the Division for the Advancement of Women - as well as with the entire human rights machinery of the Commission on Human Rights.

15. As gender issues had become central to the development dialogue, the linkages between human rights, gender and development had become increasingly apparent. UNIFEM had integrated activities which promoted women's human rights into its approach to sustainable human development. Its commitment to a long-term strategy for advancing the cause of women had resulted in the establishment of a women's human rights programme.

16. The World Conference on Human Rights had focused unprecedented attention on women's rights. In the Vienna Declaration, it had stated that the equal status and human rights of women should be a priority for Governments and the United Nations; and it had supported the adoption of initiatives and strategies to promote women's human rights, initiatives which had been further developed at the Fourth World Conference on Women.

17. Paragraph 42 of the Vienna Declaration stressed that a component on the equal status and human rights of women must now be incorporated into the mainstream of the activities of the United Nations system. That goal could not be achieved merely by drafting a set of guidelines addressing "the woman question"; it would also be necessary to carry out an analysis of all areas of the female experience. The entire process must therefore be re-examined, from the identification of the issues to the determination of criteria for the formulation of recommendations. It would thus be necessary to establish a methodology to reveal the hidden lives of women and enlarge the traditional conceptual framework, whether it was a matter of torture, freedom of expression, violence or refugees. For example, the consideration of the question of violence in a context encompassing violence against women in public and private life was a very recent development, as could be seen from the report of the Special Rapporteur on the issue. In that spirit, the

General Assembly had mandated UNIFEM to enhance its activities concerning violence against women and to establish a trust fund to support innovative models and strategic interventions.

18. The investigation of the cases of rape and forced pregnancy brought before the international tribunals for the former Yugoslavia and Rwanda illustrated the urgency of the task facing the international community.

19. In 1995, UNIFEM had co-sponsored an expert meeting on the development of guidelines for the integration of gender into human rights activities and programmes. The report of the meeting (E/CN.4/1996/105) was before the Commission, and UNIFEM urged it to take immediate action in response to the recommendations contained therein.

20. Mr. MELIK-CHAKHNAZAROV (Observer for Armenia) said that the Armenian delegation regretted that, for purely technical reasons, the question of the transport and delivery of humanitarian assistance was not on the agenda of the Commission's present session.

21. Many countries were experiencing natural disasters and armed conflicts which destroyed their social infrastructure and brought poverty and starvation upon their peoples, for whom humanitarian assistance represented the only hope of survival. The armed conflicts in the Balkans and in the independent States established in the territory of the former USSR had subjected the inhabitants to suffering and privation. In several countries, the population was in a calamitous situation owing to the adoption of radical reforms and the transition to a market economy. Those people still needed humanitarian assistance, particularly medical care and medicines. Humanitarian assistance helped to ensure the exercise of a whole range of human rights, primarily the right to life.

22. Some countries - for political reasons - were using their geographical situation to prevent the passage of humanitarian convoys across their territory to neighbouring countries. They set their political objectives above the values and goals of humanitarian action and thus obstructed the implementation of the Declaration on the Right to Development, undermining economic, social and cultural rights. Given that situation, several countries had been compelled to create mechanisms to put an end to such deplorable practices, but not all countries were in a position to do so.

23. In the view of the Armenian delegation, the Commission really must define clearly its position with regard to the obstruction of humanitarian convoys. In that connection, it recalled that the draft resolution recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at the fifty-first session had not obtained the Commission's support, partly because it had financial implications and partly because it was not drafted in sufficiently general terms and encroached on the spheres of competence of other United Nations bodies, including the Security Council. Accordingly, the Armenian delegation would welcome the adoption of a resolution requesting States to abandon the practice of obstructing the passage of humanitarian convoys to their destinations, a practice which conflicted with international law and the Charter of the United Nations and jeopardized the comprehensive realization of the right to development.

24. Mr. ORFI (Observer for the Syrian Arab Republic) reaffirmed that Syria had always condemned terrorism in all its forms, but made a clear distinction between terrorism - a criminal act - and the legitimate right of peoples to resist foreign occupation. It was confident that the majority of countries made the same distinction. On the initiative of its President, it had been the first Member of the United Nations to call for the convening of an international conference on the issue. That initiative had received broad support from other Member States which was reflected in many General Assembly resolutions.

25. The right of resistance was a legitimate right confirmed by the Charter of the United Nations, international law and the relevant resolutions of the United Nations, and reaffirmed in the Vienna Declaration and the Declaration adopted to mark the Organization's fiftieth anniversary.

26. Mrs. KALNIETE (Observer for Latvia) said that one of the great achievements of the World Conference on Human Rights had been the adoption of the Vienna Declaration and Programme of Action as a guideline for concrete action by Governments. At the national level, it had been the basis for the establishment of national plans of action; for its part, Latvia had in 1995 adopted its National Programme for the Protection and Promotion of Human Rights, the core of which had been the establishment in 1995 of a National Human Rights Office. The Office was an independent Government agency whose director was appointed by Parliament and whose three main functions were: to inform and educate the public about human rights; to inquire into human rights abuses through public inquiries and investigation of individual complaints; and to advise the Government and Parliament on action that should be taken to ensure Latvia's compliance with its national and international obligations. The Latvian authorities were grateful to the United Nations Development Programme, the United Nations Centre for Human Rights, the High Commissioner for Human Rights and several bilateral partners for having made the Office possible.

27. Since its establishment, the National Human Rights Office had published a number of informative brochures, which were distributed free of charge in Latvian and Russian and whose topics included an overview of national human rights legislation, the correlation between national legislation and international obligations and basic information about the Office, its functions and responsibilities. It had already received more than 500 complaints and requests for advice from individuals, to which it replied confidentially and free of charge. Complaints related to alleged violations in places of detention, denial of rights in institutions of justice, activities of the municipal police, activities of the Citizenship and Immigration Department and socio-economic problems relating to living conditions and unemployment. The Office had analysed a number of legislative acts, including the draft law on the national language and the legislation in the area of protection of children, and had provided opinions on the right to privacy and labour relations. Those analytical opinions were disseminated to legislators, the Government, NGOs, the press and the public.

28. Upon regaining independence in 1990, Latvia had become a party to 51 international human rights instruments and had ratified the main United Nations Conventions. International observers such as OSCE, the

Centre for Human Rights, UNHCR, the Council of Europe and NGOs had contributed greatly to the general understanding of human rights and the improvement of human rights standards in Latvia.

29. As more States developed national institutions for the promotion and protection of human rights, international commitments were becoming more tangible throughout the world. In many countries, however, violations continued on a gross and systematic level despite the efforts of international organizations and even despite the existence of national institutions. Recent escalations in the conflict in Chechnya had drawn increased attention from the world community. The Latvian authorities welcomed the recent announcement by the President of the Russian Federation of the unilateral cessation of hostilities and hoped that a conciliation process, in which advisory services by UNHCR might be useful, would make it possible to achieve a lasting peace.

30. Mr. DURIEX (Office of the United Nations High Commissioner for Refugees) said that the relationship between human rights and involuntary displacement of populations was at the heart of UNHCR's mandate, which was to provide international protection to refugees and to seek durable solutions to the problem.

31. Whether in flight, in asylum or on repatriation, refugees were a particularly vulnerable category of the population. It was for that reason that the international community had established a special regime for them, in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Attention from other United Nations bodies and mechanisms strengthened and supplemented UNHCR's protection role.

32. UNHCR had noted with interest the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42), which was an excellent overview of human rights situations creating coerced displacement, affecting refugees and displaced persons or impeding their voluntary return home. It trusted that the Commission would request the Secretary-General to analyse the issue further and submit a report for its fifty-third session. It would also be useful for the special procedures mechanisms and the treaty bodies that provided the Secretary-General with information to continue their activities and to take action to help prevent refoulement in the event of a risk of serious violations of the human rights falling under their respective mandates. To increase their effectiveness further, they should be given sufficient support, particular financial support, from the international community. Those bodies and mechanisms needed the active participation of NGOs, which were in a position to provide direct information on the situation in countries of origin and asylum. UNHCR stood ready to assist States in preparing their reports to the treaty bodies or submissions in response to questions by treaty bodies or special procedures, with respect to issues within the competence of UNHCR.

33. In resolution 1995/88 on human rights and mass exoduses, the Commission encouraged States to accede to the 1951 Convention and its Protocol and other relevant instruments of international humanitarian law, among which special reference might be made to the 1961 Convention on the Reduction of Statelessness. Referring to Sub-Commission resolution 1995/13, entitled "The right to freedom of movement", in which the Sub-Commission decided to keep

under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return, he recommended that the Commission should encourage the Sub-Commission to intensify efforts in that regard.

34. Perhaps the most vulnerable of UNHCR's group of beneficiaries were women and children. UNHCR urged the Commission to continue to pay special attention to refugee and displaced women and children in all its relevant resolutions.

35. Mr. RI Tcheul (Observer for the Democratic People's Republic of Korea) noted that, when the question of "comfort women" had been revealed to the world, Japan had tried to blame the civilians. When the responsibility of the Japanese Government for those crimes had been confirmed, the Government had invoked the statute of limitations to avoid the question being discussed in the United Nations and had then thought it could settle the problem by "apologizing" without acknowledging its legal responsibility or promising to make reparation. Reparation should cover all damages and meet the demands of every State and every victimized people, on the basis of the Japanese State's acknowledgement of its responsibility.

36. If the international community ignored the crimes perpetrated by the Japanese authorities in the past, it risked seeing other more serious crimes committed in the future. It was impossible not to doubt the sincerity of Japan's commitment on the international scene when the Japanese authorities did not have the courage to take responsibility for past crimes; it might be wondered whether that country's obvious ambition to obtain the status of international political power was not an attempt to create favourable conditions for achieving its old dreams. Allowing Japan to become a permanent member of the United Nations Security Council would have incalculable consequences. The Democratic People's Republic of Korea hoped that the Commission would take effective measures to resolve the issue of sexual slavery in wartime.

37. Mr. KPOTSRA (Observer for Togo) said that the report submitted by the Secretary-General pursuant to Commission resolution 1995/52 (E/CN.4/1996/89) indicated the status of the cooperation between the Togolese Government and the Centre for Human Rights and the steps taken by the Special Rapporteurs of the Commission and also provided a list of information from NGOs. But it gave no idea of the efforts made by Togo since the tragic events that had led to the adoption of Commission resolution 1993/75, calling the Togolese Government into question. He referred in that connection to the priority tasks set by the Government: recovery of the national economy, strengthening of protection of human rights and continuation of the building of a democratic State on the basis of peace and national reconciliation. In that context, an agreement entitled "Awareness-raising and training for the development of a democratic culture and the establishment of a democratic State" had been concluded in March 1996 between the United Nations and the Togolese Government with a view to establishing a technical assistance programme in the field of human rights. There were two aspects to the agreement, one dealing with human rights and the administration of justice and the other with human rights education. The programme would begin with the holding of training seminars and with the distribution and dissemination of appropriate documents, in late April 1996.

38. It was deplorable that some NGOs went beyond all limits when describing the so-called human rights situation in Togo. The long list of alleged cases of violations of human rights reflected a series of offences that were most often ordinary offences, against civilians as well as military personnel and ordinary citizens as well as official figures. His delegation believed that to preserve the credibility of United Nations human rights activities, a serious study should be conducted on the evaluation and treatment of the information prepared for the Centre for Human Rights, often quite irresponsibly. There should be an effort to avoid confusing human rights incidents and the acts of banditry that sapped the strength of many countries, especially in the Saharo-Sahelian region. To deal with those new forms of insecurity, the heads of State of the Council of the Entente - an organization made up of Benin, Burkina Faso, Côte d'Ivoire, Niger and Togo - had adopted and signed a convention in February 1996 on assistance and cooperation in the field of security. In a similar vein, the General Assembly, concerned about the illicit transfer of arms and their accumulation, which were a threat to the population and to national and regional security in Saharo-Sahelian Africa, had requested the Secretary-General to continue to study the best way of curbing that problem and lessening its consequences.

39. His delegation was confident of the Commission's ability to tell the difference between truth and falsehood and did not doubt that it would correctly assess developments in Togo and grant the request of the Togolese Government that the consideration of the question should be ended at the current session in accordance with paragraph 9 of resolution 1995/52.

40. Mr. N'DIAYE (Observer for Senegal) noted that there were countries throughout the world where discrimination laws had been repealed and where men and women theoretically had the same rights whereas, in fact opportunities differed according to sex. The source of those continuing inequalities was the depreciation of women's contribution to and status in society. His delegation therefore wished to stress the need for the Commission to pay more attention to the situation of women, especially rural women. Rural women throughout the world carried out the quadruple task of caring for their children, running their households, earning money and performing agricultural work. They had neither technical skills nor vocational training in the strict sense of the words and did not own property, although they raised 50 per cent of the livestock, helped produce 70 per cent of the food and marketed 60 per cent of the developing countries' agricultural products. The Commission could and must undertake an extensive campaign to raise the world's awareness of the situation of rural women, in particular through initiatives for helping them achieve self-actualization and the full enjoyment of their fundamental rights.

41. As part of the restructuring of the Centre for Human Rights, the unit dealing with the incorporation of women's rights into United Nations mechanisms should pay particular attention to the promotion and effective achievement of economic, social and cultural rights.

42. The need to take even more effective international measures to combat all forms of violence against women should be stressed. Like several delegations which had participated in the fortieth session of the Commission on the Status of Women, his delegation believed that the time was ripe for the drafting of

an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that would give women the right to demand compensation for violations of their fundamental rights. That proposal was totally in keeping with the Vienna Programme of Action and the World Conference on Women. The new mechanism would enable the Commission on Human Rights to look into cases of large-scale violations of women's rights and leave the consideration of individual cases to the Committee on the Elimination of Discrimination against Women.

43. Mr. HASSAN (Observer for Sudan) noted that his country was grappling with the problem of internally displaced persons and said that the authorities were making every effort to solve it, in particular by establishing specialized agencies and coordinating action by international humanitarian organizations.

44. As part of its search for solutions at the domestic level, the Government had concluded an agreement with two rebel movements in the southern part of the country, which should help solve part of the problem. It was nevertheless obliged to ask States and international organizations to help it rebuild the country. The Sudanese authorities had taken steps on behalf of people in the rural areas, which had been of benefit to thousands of families.

45. At the international level, it was obvious that States should respect their obligation to uphold international standards. But in the specific case of the Sudan, it was also obvious that the unspoken intentions of certain parties had to be taken into account. He wished to stress again that Sudanese legislation did not discriminate and that the right to freedom of movement was in no way restricted. The Sudanese Government provided the people with food and medicine whatever the beneficiaries' race or religion. Members of tribes were able to keep their names. The occasionally difficult situation of women was due to activities connected with the rebellion, which Sudan had repeatedly denounced, to no avail!

46. Sudan would continue to cooperate with the International Committee of the Red Cross and voluntary organizations, including in the regions to which displaced persons were returning.

47. Mr. EGUZ (Observer for Turkey) said that terrorism had become a threat to democracies, which were the only regimes that permitted the exercise of human rights and fundamental freedoms. Terrorism was no longer limited to a single country or isolated acts of violence. It was used in many parts of the world to achieve political goals, with contempt for the victims' right to life. Exclusionist groups in particular did not hesitate to use new armament technologies and manipulate the media.

48. To put an end to such activities, which not only endangered democracy and peace within countries, but also threatened regional peace and stability, close international cooperation was needed, especially in the United Nations context. Turkey hoped that, under the resolutions adopted by the Commission and General Assembly, all the thematic special rapporteurs and working groups would address the consequences of terrorist acts. His delegation expected the working paper on human rights and terrorism to be prepared under Sub-Commission resolution 1994/18 to be submitted to the Sub-Commission

without further delay. It also hoped that the draft resolution on human rights and terrorism that it was preparing would be adopted without a vote, as in past years.

49. Terrorism had begun to be recognized as a gross violation of human rights, but a more determined and effective comprehensive approach was needed, especially towards the perpetrators. The 29 Heads of State who had come together at the Sharm-El-Sheikh Summit had highlighted the need for coordination at the bilateral, regional and international levels to combat terrorism. He welcomed the efforts to follow up the decisions reached at the Summit.

50. After the Second World War, the drafters of the major United Nations human rights instruments had underlined the fact that human rights could be violated not only by States, but also by groups and individuals. The scourge of terrorism had unfortunately confirmed that idea and States and experts were referring more and more to violations by non-State actors. The United Nations should adopt that new approach to the problem, in the name of human rights and fundamental freedoms.

51. Mrs. PONCINI (International Federation of University Women) said that her organization had read with interest the preliminary report of the Special Rapporteur on Violence against Women, Mrs. Coomaraswamy (E/CN.4/1996/53 and Add.1 and 2) and looked forward to the Special Rapporteur's future report on sexual harassment.

52. The Special Rapporteur rightfully stressed the fact that women migrant workers suffered double marginalization, and consequently higher levels of violence, in both the sending and the receiving State. The protection offered by the framework for model legislation on domestic violence proposed by the Special Rapporteur (E/CN.4/1996/53/Add.2) should therefore include female household workers and non-national women; non-national men should also be held to the same standards as men of their nationality.

53. The Special Rapporteur also noted that, in many countries with large migrant worker populations, there existed a variety of formal and informal legal and social structures that conspired against women domestic workers. The International Federation of University Women therefore heartily endorsed the Special Rapporteur's recommendation that States should ratify and comply with the ILO Conventions on the rights of migrant workers and take an active stance against the abuse of migrant workers' rights.

54. She drew the Commission's attention to the note by the Secretary-General to the Commission on the Status of Women (E/CN.6/1996/12) in connection with General Assembly resolution 50/168. Recommendations to foster coordination among United Nations agencies concerned with the issue of violence against women would be prepared by a group of experts, including the Special Rapporteur, and submitted to the General Assembly at its fifty-first session. The Federation also hoped that the Special Adviser to the Secretary-General on Gender Issues would report to the Commission on a periodic basis to strengthen the coordination of international action on the rights of women in general and women migrant workers in particular.

55. Lastly, she fully supported the draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1996/L.27).

56. Mr. MAACHOU (Arab Lawyers Union) said that the mass exodus phenomenon was worsening, as witnessed by events in Lebanon. According to the Special Rapporteurs, 3 million persons had been displaced in the territory of the former Yugoslavia. In Liberia, 1.5 million persons had been forced to move and 800,000 had fled to neighbouring countries. In Sudan, the number of displaced persons had increased constantly in 1995, while the number of refugees in Uganda, Kenya and Ethiopia had also risen sharply. Displaced persons in Burundi represented 10 per cent of the total population. Such mass exoduses were due in most cases to internal conflicts. Most of the displaced persons were women with young children. Such exoduses were also due at times to deliberate measures, as in the occupied Arab territories, to internal movements, as in Sudan, or to forced expulsions, as in Bosnia and Herzegovina.

57. As far as the occupied Arab territories were concerned, the latest report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/463) condemned the forced evictions for the purpose of establishing and extending settlements. Despite the agreements reached between the PLO and Israel and in violation of the principles of international law and the provisions of the Fourth Geneva Convention of 1949, the occupying authorities were pursuing their policy of colonization and annexation, in particular in the occupied West Bank and the Gaza Strip. Not only were they not granting the Palestinian people its right of return, but they were threatening to expel and banish Palestinians currently living in the territories still under occupation. The international community was entitled, however, to expect that the peace process would result in the cessation of certain practices that undermined human rights.

58. United Nations decisions concerning the complete evacuation by Israel of the occupied Palestinian territories and other Arab territories in the Golan Heights and southern Lebanon, as well as the resolution on the right of return and right to self-determination of the Palestinian people, should be implemented. The Arab Lawyers Union stressed the need for enforcement of the rules of international law that prohibited all practices undermining human rights.

59. The tragedy was being repeated in the heart of Europe, in Bosnia and Herzegovina, where the Serbs had deliberately caused a mass population exodus. The African continent was also not spared and the report of Mr. Bíro, the Special Rapporteur on the situation of human rights in the Sudan, (E/CN.4/1996/62), stressed the tragic situation of the internally displaced persons in the country, especially in the Khartoum area.

60. Mr. PANDITA (African Commission of Health and Human Rights Promoters), referring to the question of human rights and HIV/AIDS, said that his organization firmly supported the activities of the new UNAIDS programme.

61. On the matter of human rights and mass exoduses, mention should be made of the situation of the Pandit minority in Kashmir. Since 1990, peace, democracy and pluralism in Kashmir had been jeopardized by an ideological conflict. The 300,000 members of the Pandit community had been regrouped into 52 refugee camps, where their living conditions were appalling. They must be permitted to return home and live in safety, in an appropriate constitutional and institutional framework and in conformity with the recommendations of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng (E/CN.4/1996/52).

62. Mr. Vassylenko (Ukraine) took the Chair.

63. Mr. KHAN (World Society of Victimology) said that the report of the Secretary-General on human rights, mass exoduses and displaced persons (E/CN.4/1996/42) compiled only information relating to the specific phenomenon of mass exoduses as contained in reports by human rights mechanisms of the United Nations and therefore did not list each situation that might be given as an example or analyse the complex historical and political background of mass exodus. As the Commission had, in resolution 1995/88, called for information on problems impeding voluntary return home, the World Society of Victimology would like to provide some information on the situation in Jammu and Kashmir, where there were over 2 million displaced persons.

64. That tragedy, which was examined in the United States Department of State 1995 report on human rights, had been caused by the lack of political settlement of a conflict situation and by unabated massive violations of human rights. With disregard for United Nations resolutions, India was continuing to refuse the right of return to 1.5 million displaced persons in Pakistan and 500,000 in the Azad State of Jammu and Kashmir. There had been clashes since 1990 between the Indian security forces and the Kashmiris, including the Pandit community. As recently as March 1995, nearly 20,000 people had been forced out of their homes. Access of the civil administration and even United Nations military observers to those people had become very difficult. In violation of its own agreement with Sheikh Abdullah in 1952, the legislation of May 1982 and Commission resolution 1994/66 on the right of refugees and displaced persons to return home in safety, India continued to keep over 2 million people in exile.

65. As long as the people of Kashmir continued to be deprived of their right to self-determination, the phenomenon of displacement would continue to jeopardize the socio-political balance of the region. Jammu and Kashmir had the heaviest concentration of troops ever seen in colonial history and the Commission on Human Rights and the Representative of the Secretary-General must mobilize efforts to ensure that India - a Member State of the United Nations and a member of the Commission - put an end to the tragedy of 2 million people.

66. Mr. CIVILIZZA (Andean Commission of Jurists) welcomed the fact that the latest report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1996/52 and Add.1 and 2) contained a compilation and analysis of existing legal standards. They should be used as a basis to develop standards for helping countries adapt their legislation to strengthen the protection of displaced persons. The Representative of the

Secretary-General had recently travelled to Colombia and Peru, where over 600,000 people had been displaced because of the political violence. Both the Representative's presence and reports were an undeniable contribution to solving the problem.

67. However, it had to be acknowledged that violence in Colombia was continuing and that entire villages had to flee to urban areas or supposedly safer areas. It was essential for any human rights programme in that country, especially those involving the cooperation of the international community, to consider displaced persons not only as the subjects of protection, but especially as protagonists in their own future. That would avoid situations such as the one in the Urabá region, where many displaced people had fled to escape violence.

68. Concerning Peru, the Andean Commission of Jurists agreed with the Representative of the Secretary-General that the willingness of the international community to provide assistance would depend to a significant degree on the Government's political will to respond to the needs of the affected population (E/CN.4/1996/52/Add.1, para. 155). It was a policy of return for displaced persons that should be undertaken, with the organizations representing those persons recognized as legitimate partners in the process. It should also be noted that the harsh anti-terrorist legislation and the fact that a third of the Peruvian territory was under an emergency regime and military control represented so many obstacles to appropriate protection of the displaced groups.

69. Since there was no international body to deal with displaced persons, the methodology which had been proposed by Mr. Deng and which proceeded by analysing causes, consequences and solutions appeared to be the most appropriate. But solving the problem would necessarily depend on the political will of States and on respect for international human rights standards.

70. Mr. FALLON (Franciscans International) said that his organization was deeply concerned by the problem of violence against women. It had therefore been shocked to learn of the strong opposition to the Special Rapporteur's impartial report on military sexual slavery in wartime (E/CN.4/1996/53/Add.1). Was there a connection between the opposition and certain of the recommendations contained in the report? Had the Asian Women's Fund been set up to avoid legal responsibilities or confuse international organizations and even other nations? It was disturbing that such a well-researched and fairly presented report had been the subject of a rebuttal before the Commission, with half-truths presented as arguments.

71. He commended the work of groups in Japan that had uncovered those events and were pressuring their Government to cease trying to escape its responsibility and to accept the recommendations of the Special Rapporteur. Franciscans International asked the Commission, in the name of the survivors, not only to approve the report unanimously and resoundingly and to reject the substitution of the Asian Women's Fund for the diversionary attempt it was, but also to urge Japan to accept its responsibilities and implement the recommendations contained in the report.

72. Ms. BUNCH (Center for Women's Global Leadership, International Women's Health Coalition and International Women's Tribune Centre), speaking on behalf of the thousands of people who had worked together over the past five years in the Global Campaign for Women's Human Rights, said that two petitions circulated by the Campaign had been signed by nearly 1 million people in 115 countries. The first petition had been directed to the 1993 World Conference on Human Rights. That mobilization had led to the importance accorded women's rights in the Vienna Declaration and Programme of Action and to the appointment of a Special Rapporteur on violence against women. The second petition had called on the United Nations to fulfil the Vienna commitments and to report on its efforts to promote women's rights at the Fourth World Conference on Women. The women's rights campaign, in which over 1,000 organizations had participated, had familiarized millions of women throughout the world with their rights.

73. The Fourth World Conference on Women had reaffirmed the Vienna commitment to women's human rights and spelled out the critical actions necessary to realize those rights. In that connection, the International Women's Health Coalition urged that enhanced support should be given to the women-specific human rights mechanisms of the United Nations and to efforts aimed at integrating women's human rights into the United Nations system. In particular, the Commission should firmly support the work of the Special Rapporteur on violence against women (E/CN.4/1996/53 and Add.1 and 2) and take immediate action to ensure that States implemented the recommendations in the report concerning domestic violence. It should also extend the mandate of the Special Rapporteur, for combating violence against women required further time and resources.

74. The Commission should mandate concrete steps and time-lines for the implementation of the recommendations made by the expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes (E/CN.4/1996/105). The International Women's Health Coalition stressed the recommendations contained in paragraph 71, subparagraphs 3, 4, 6, 7 and 9, and noted that non-governmental organizations should be involved in such efforts.

75. Mrs. BAUMGARNER (African Association of Education for Development (ASAFED)), speaking on behalf of several NGOs (American Association of Retired Persons, Change, Human Rights Project, Human Rights Watch, International Abolitionist Federation, International Alliance of Women, International Council of Jewish Women, International Federation of University Women, National Council of German Women's Organizations, World Federation of Methodist Women and Zonta International), congratulated Mrs. Coomaraswamy on her excellent report on violence against women (E/CN.4/1993/53 and Add.1 and 2), which rightly stated that it was for States to protect women against violence, especially through legislative means. States might benefit from following the framework for model legislation on domestic violence (E/CN.4/1996/53/Add.2), which dealt in particular with complaint mechanisms and the provision of services for women who were the victims of violence. The Commission, for its part, should support the adoption of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, giving women the right to demand compensation and strengthening the implementation of the Convention.

76. With regard to the integration of women's human rights into all United Nations human rights mechanisms, she welcomed the appointment of Mrs. Green as Special Adviser to the Secretary-General on Gender Issues, and hoped that Mrs. Green and the High Commissioner for Human Rights would work closely together in that field and in the promotion of women's rights in general. There should be established in the Centre for Human Rights a permanent post of special adviser or coordinator for all women's rights activities, especially the preparation of specific recommendations for the implementation of the programmes of action adopted by the World Conference on Human Rights and the Fourth World Conference on Women.

77. ASAFED was surprised to see that the question of integrating the human rights of women into the human rights mechanisms of the United Nations, which, according to Commission resolution 1995/86, was to be considered as a matter of priority, was described in only two short paragraphs in the annotated agenda and it deeply regretted the fact that the authors of certain reports had not taken a gender-specific approach. The Commission should make sure that all reports submitted to it at its fifty-third session contained an analysis of the specific rights of women and of violations of those rights.

78. Mrs. VAN DRIEL (Women's International League for Peace and Freedom), speaking on behalf of several NGOs (African Association of Education for Development, International Peace Bureau, International Abolitionist Federation, International Association against Torture, International Council of Jewish Women, Isis International/Isis-WICCE, Movement against Racism and for Friendship Among Peoples, Third World Movement against the Exploitation of Women, War Resisters' International, Women's International League for Peace and Freedom, Women's World Summit Foundation, World Federation of Democratic Youth, World Federation of Methodist Women and World Young Women's Christian Association), said that rape in wartime should be recognized as a serious war crime. In that connection, the Special Rapporteur on violence against women rightly stated (E/CN.4/1996/53/Add.1) that the sexual exploitation of "comfort women" should be regarded as a flagrant case of sexual slavery. The Japanese Government should accept its legal and moral responsibility for those crimes, punish the perpetrators, issue a formal apology to each survivor and provide them with reparations.

79. In 1948, Japan had accepted the conviction of 12 members of the Japanese Imperial Forces who had enslaved 35 Dutch "comfort women" in Indonesia. Those offences had carried the death penalty when the women in question had been white. The horror of rape in armed conflict was the same whether the victim was Dutch, Korean, Rwandan or Bosnian. The scope of the Special Rapporteur's work should therefore be extended to include systematic rape and slavery-like practices in periods of armed conflict.

80. The Commission should energetically condemn all such practices, encourage the victims to speak out and guarantee the independence of the Special Rapporteur.

81. Mrs. BRUNET (International Centre for Human Rights and Democratic Development) said that the international community must impose an obligation on States to take action against the perpetrators of violations of women's

human rights, particularly those responsible for rape in wartime. Rape and forced prostitution must be considered to be torture and acts of violence affecting women's physical and mental health and not merely "attacks on women's dignity", in the words of article 4 (e) of the Statute of the International Criminal Tribunal for Rwanda.

82. The Special Rapporteur, whose excellent report should be commended, should investigate those violations in detail and establish a close working relationship with the Special Rapporteur on freedom of opinion and expression in order to study the obstacles that prevented women from speaking out about the violence for fear of reprisals and social exclusion. The international community should give the Special Rapporteur its full cooperation in that task.

83. Mrs. ATALLAH-SOULA (International Federation of Human Rights (FIDH)) said that the Final Declaration and Programme of Action adopted by the Fourth World Conference on Women bore the mark of "Platform Plus", a document which had been prepared by FIDH with support from the European Commission and UNESCO and had been adopted by over 80 national associations in Europe and throughout the world. To achieve the recommendations listed in the document and in the Beijing Programme of Action, the Commission should devote one of its agenda items to the fundamental rights of women as defined in the international human rights instruments.

84. The Commission's concern about discrimination against women was all the more justified because the discrimination was tending to take some particularly distressing new forms, which some were attempting to legitimate from a moral and cultural point of view in order to entrench them more firmly. In that connection, FIDH drew the Commission's attention to the segregation of certain women on the eve of the Olympic Games in Atlanta. It urged that no effort should be spared to compel States, in compliance with their obligations to respect the Olympic Charter, to end that discrimination, which could not be justified for cultural, religious, political or any other reasons.

85. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education (OIDEL)) said that, the previous summer, in the context of the United Nations Decade for Human Rights Education, World University Service and OIDEL had organized a summer university on human rights and the right to education, jointly financed by the Government of the Netherlands, the Swiss federal authorities and UNESCO, with the cooperation of the High Commissioner for Refugees, the Centre for Human Rights, the International Bureau of Education and 15 or so other NGOs.

86. The goal of the university was to promote education as a necessary means of defending and promoting human rights and a development tool designed to form a universally shared culture of human rights. The high-quality interdisciplinary training given during the first session had enabled 37 participants from 30 countries to learn about the practice of international negotiations and the functioning of international mechanisms for the promotion of human rights and to become aware of the interdependence of economic, social and cultural rights, on the one hand, and civil and political rights, on the other.

87. The summer university hoped to establish a world network for the promotion and defence of human rights. It intended not only to follow up its students, but also to support them in the implementation of specific projects. Another session would be held during the summer of 1996.

88. Mrs. PAK SONG (International Federation of Women in Legal Careers) said she deeply regretted the fact that the Japanese Government had negated and rejected the report of the Special Rapporteur on violence against women (E/CN.4/1996/53/Add.1) and had used the diversionary tactic of establishing an Asian Women's Peace and Friendship Fund instead of acknowledging the responsibility of the Japanese Government and compensating the victims. Would the members of the Japanese Government tolerate such crimes if their mothers, wives, sisters and daughters had been forced into sexual slavery by foreign armies?

89. It was all the more urgent to settle the question of the crimes against those women which Japan had committed during the Second World War because similar crimes were continuing in different parts of the world. Governments and NGOs should therefore combine their efforts to find a fair solution to the problem at the current session.

The meeting rose at 6 p.m.